

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

YOHAN WEBB,

Plaintiff,

vs.

MIKE STREETER, et al.,

Defendants.

4:21CV3058

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's "motion to compel discovery ... and a request to produce" (Filing 179) and Defendants' objection (Filing 182).

Plaintiff first asks the court to compel discovery as to Defendant Craig Cooper's objections to Plaintiff's interrogatories numbered 12, 15, 16, 17, 18, 19, 20, and 23. This request will be denied because Plaintiff has failed to demonstrate that he "has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action," Fed. R. Civ. P. 37(a)(1), or that he has satisfied this court's "personal consultation" requirement, *see* NECivR 7.1(j). Plaintiff only states he sent a demand letter to Defendants' attorney on April 10, 2022, which is insufficient. Furthermore, when Defendants' attorney made special arrangements with the Lancaster County Department of Corrections to have a telephonic "meet and confer" with Plaintiff on May 31, 2022, to discuss his motion to compel discovery, Plaintiff refused to participate. Although defense counsel has filed Defendant Cooper's answers and objections to Plaintiff's interrogatories (Filing 181-3), Plaintiff's noncompliance with Rule 37(a)(1) and NECivR 7.1(j) eliminates any need for separate rulings by the court on those objections.

The second part of Plaintiff's motion (paragraphs B though "Alpha") appears to be a combination of requests for production and interrogatories, most, if not all,

of which are directed at nonparties. Discovery requests such as this are not to be filed with the court. *See* NECivR 5.4(a). To the extent Plaintiff is requesting a court order compelling Defendants to respond to these discovery requests, it will be denied because of Plaintiff's noncompliance with Rule 37(a)(1) and NECivR 7.1(j), and, in any event, because the discovery deadline expired on March 4, 2022. See Filing 114.

IT IS THEREFORE ORDERED:

1. Plaintiff's motion to compel discovery and a request to produce (Filing 179) is denied in all respects.
2. Defendant's objection (Filing 182) is sustained to the extent stated in the foregoing memorandum opinion.

Dated this 27th day of June 2022.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge